

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**UNITED STATES OF AMERICA**

**File No.: 14-4651**

**V.**

**JESSE J. BALDWIN, JR.**

**MOTION FOR LEAVE TO FILE  
APPELLANT'S BRIEF AND APPENDIX OUT OF TIME**

NOW COMES, counsel Thomas H. Johnson, Jr., and moves for leave to file out of time "Appellant's Brief and Appendix". In support of said motion counsel would show: The Court ordered counsel to file said brief on January 20, 2015. Counsel had prepared to start a jury trial on January 20, 2015, the case of U.S.A. v Roy Atwater. Since counsel had been preparing for the trial of and defense of Mr. Roy Atwater, counsel needed additional time to research identify the issues and prepare to write the legal brief in the case of U.S.A.v Jesse J. Baldwin. On January 29, 2015, counsel left Greensboro, NC and traveled 3 hours to Washington, NC for a personal matter, to take his mother to her doctor's appointment in Greenville, NC on the morning of January 30, 2015. This appointment had been rescheduled

from December 12, 2015, when the doctor called in sick after counsel and his mother were waiting in the office for an hour.

On the morning of February 2, 2015 counsel had to appear in Superior Court in the matter of State of N.C v. Darero Matthews, a serious felony hit and run case, and State v. Brandon Pompey, a First Degree Murder case. On February 3, 2015 counsel appeared with his client Albert R. Barringer, in the offices of the U.S. Attorney for a conference and debriefing and was informed Mr. Barringer would be called as a witness in a trial scheduled to start Monday February 9, 2015 in the Federal District Court, MDNC. The meeting with the prosecutor took most of the morning. That afternoon counsel spent with his client Mr. Barringer reviewing his file and preparing him to testify as a witness for the Government. On February 5, 2015 counsel was in the trial of State v Richard Dukes, a state case in Guilford County District Court, the trial finished shortly before 5:00 pm; a criminal case alleging a criminal violation of a civil domestic violence order.

The week of February 9, 2015, counsel has been preparing for two trials, a civil bench trial case Charles Wright vs. Sherrill Garner, and State of North Carolina v. Tishekka Cain, a criminal drug trafficking case, a jury trial. During all of this time, counsel has researched the issues and prepared and written the brief in theis matter, USA v. Jesse J. Baldwin, Jr., while also

been maintaining his criminal practice which includes meeting and conferring with clients, including the clients in jail who cannot travel because their cases have upcoming schedules and deadlines in state criminal superior court and federal district court, including discovery, trial and sentencing deadlines.

Counsel has notified by email, Ms. Joanna McFadden, counsel for the Government of counsel's intent to file this motion and has not received a response as of the time of this motion's filing.

WHEREFORE counsel respectfully requests this Honorable Court to grant leave to file said brief out of time and for such other relief as the court deems just honorable and fair.

This the 13th day of February, 2015.

/s/Thomas H. Johnson, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2015 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Joanna.mcfadden@usdoj.gov

Respectfully submitted,

/s/ Thomas H. Johnson, Jr.  
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